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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,105	08/06/2003	Yong Cui	TI-35762	6963
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EXAMINER KARMELEK, ALISON L.				
ART UNIT		PAPER NUMBER		
3623				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/635,105

Applicant(s)

CUI ET AL.

Examiner

ALISON KARMELEK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a non-final, first office action upon examination of application number 10/635,105. Claims 1-15 are pending and have been examined on the merits discussed below.

Specification

2. The disclosure is objected to because of the following informalities:

In the BRIED DESCRIPTION OF THE DRAWINGS section on page 3, paragraph 2 reads, "FIGURES 2a-e illustrate..." There is no FIGURE 2e. This should be amended to read – FIGURES 2a-d. Appropriate correction is required.

In the BRIED DESCRIPTION OF THE DRAWINGS section on page 4, paragraph 2 reads, "FIGURE 3 illustrates..." There is a FIGURE 3 as well as 3a-d. This should be amended to read – FIGURES 3 and 3a-d illustrate. Appropriate correction is required.

Claim Objections

3. Claims 7-10 objected to because of the following informalities:

Regarding claims 7-8, they recite, "The article of claim 6..." Since claim 6 recites a system, claims 7-8 should be amended to recite – The system of claim 6... Appropriate correction is required.

Regarding claims 9-10, they recite, "The article of claim 8..." Since claim 8 depends from claim 6, which recites a system, claims 9-10 should be amended to recite -- The system of claim 8... Appropriate correction is required.

Applicant is advised that should claims 7-10 be found allowable, claims 12-15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-5, 9-10 and 14-15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 4, two new elements are introduced, and the relationship between these two new elements and existing elements is unclear. Specifically, it is unclear whether "a calendar time management application" is meant to be the time management application from claim 1 or a completely new application. Further, it is unclear if "an assignment due list" is part of the calendar time management application, if it is created by it or if it is associated with it in some other way. "The task" implies that it is the same task that is associated with the appointment of the time management application. Thus, it is unclear how "an assignment due list" fits in as a task. For the purpose of examiner, Examiner is interpreting the "calendar time management

application" to be the time management application of claim 1, and the assignment is the task, whereby the assignment associated with the appointment is due. The claim, for the purpose of examination will read – The article of claim 3 wherein the task is an assignment that is due in the time management application. Appropriate correction is required.

As per claims 9 and 14, they recite limitations substantially similar to claim 4 and are rejected for the same reasons set forth above. They will also be interpreted in a similar manner. Appropriate correction is required.

Claim 5 recites the limitation "The article of claim 3 wherein the time periods in the calendar time management application are class period" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Neither claim 3 nor claim 1, from which claim 3 depends, teach time periods in the calendar time management application. Rather, they teach appointments, which under the broadest reasonable interpretation are arrangements for meetings. Examiner notes that this may be interpreted as a general floating meeting arrangement, or a floating appointment which does not contain a specific time period. Further, there is insufficient antecedent basis for the calendar time management application. Claim 3 teaches a time management application, which Examiner is assuming is the calendar time management application. Thus, for the purpose of examination, claim 5 will read -- The article of claim 3 wherein the appointment entry in the time management application is a class period. Appropriate correction is required.

As per claims 10 and 15, they recite limitations substantially similar to those of claim 5 and are rejected for the same reasons set forth above. They will also be interpreted in a similar manner. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 6-7 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman (US 5,601,432).

8. As per claim 1, Bergman teaches an article comprising a medium storing software that causes a processor-based computer system to perform the following steps: a. create an appointment entry in a time management application; and

b. associate a task directly with the appointment (col. 6, lines 10-34 teach software on a personal computer system; col. 4, lines 44-52 teach setting up a schedule with subjects, instructors, classroom locations, class times, or appointment entries in a time management application. Further, for each subject the educational organizer provides "files" for keeping classroom notes, recording planning and executing homework, or associating tasks with the appointment; Fig. 4, 6, 7B-E).

9. As per claim 2, Bergman teaches associated the task including displaying a plurality of tasks next to an appointment for which the task is related (Fig. 6 teaches

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displaying a plurality of tasks next to the appointment for the science class on Sunday, January 15, 1995).

10. As per claims 6-7, they recite a system comprising: a. a processor; b. a memory coupled to the processor; and c. a storage medium coupled to the processor including a software program that upon execution performs the methods of claims 1-2. Since Bergman teaches system comprising: a. a processor; b. a memory coupled to the processor; and c. a storage medium coupled to the processor including a software program (Fig. 1 teaches a computer, or a processor, such as a Macintosh Powerbook, which inherently has a processor and a memory coupled to the processor and col. 6, lines 10-34 teach software for controlling the computer or a storage medium coupled to the processor including a software program), claims 6-7 are rejected for the same reasons set forth above in claims 1-2.

11. As per claims 11-12, they recite a portable computing device comprising the elements of claim 6. Since Bergman teaches a portable computing device (Fig. 1 teaches a laptop computer, or a portable computing device), Claims 11-12 are rejected for the same reasons set forth above in claims 6-7.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3-5, 8-10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman in view of Kulack (US Pub. 2003/0124493 A1).

14. As per claim 3, Bergman teaches the associating the task include linking related tasks and appointments to maintain the relationship of the tasks and allow the user to create and edit the linked relationships (Fig. 6 teaches linking the tasks related to science with science and allowing a user to create and modify, or edit, the assignments, or tasks, which, if a new assignment were created, it would create a linked relationship with science, and if the assignment were modified, say as if in Fig. 7B to a new due date, then the relationship between the assignment, or task, and the class "Science" would be" modified as well).

However, Bergman does not expressly teach the associated the task being in a data base. Kulack teach associating an appointment and a task using a database (Fig. 3 and paragraph 31 teach a class scheduling database where the database contains class name, class number, class teaches, class meeting schedules, class assignment

schedules, due dates, etc, or linking a fixed class appointment with an assignment, or rather linking an appointment with a task using a database).

Both Bergman and Kulack teach providing time management applications for class scheduling including assignments and due dates. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the database linking of Kulack in the art of Bergman in order to provide the scheduling linking capabilities displayed in Fig. 6 and 7B-E for a more accurate organization of tasks including scheduled appointments and activities (see Bergman col. 1, lines 15-62).

15. As per claim 4, Bergman teaches the task is an assignment that is due in the time management application (Fig. 6 teaches assignments, or tasks, that have associated due dates, meaning the tasks are assignments that are due in the time management application).

16. As per claim 5, Bergman teaches the appointment entry in the time management application is a class period (Fig. 4 and 6 teach the appointment being a science class, or a class period).

17. As per claims 8-10, they recite the system of claim 6 for performing the methods of claims 3-5. Since Bergman teaches the system of claim 6, as recited above, claims 8-10 are rejected for the same reasons set forth above in claims 3-5.

18. As per claims 13-15, they are substantial duplicates of claims 8-10 and are rejected for the same reasons set forth above in claims 8-10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Truluck et al. (US 6,353,447 B1) teaches a method and system for setting up and using a personal learning schedule including scheduling study sessions and having due dates.

Ford et al. (US 6,549,939 B1) teaches a data processing system including a calendar program.

Blants (US 6,732,080 B1) teaches a system and method for providing calendar services including a display, a processor, mobile terminals which schedule events.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALISON KARMELEK whose telephone number is (571)272-1808. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./
Examiner, Art Unit 3623
AK
2/28/08

/Romain Jeanty/
Primary Examiner, Art Unit 3623